

Fremont Conservation Commission
11-03-08 Minutes



Fremont Conservation Commission
Minutes of November 3, 2008
Approved November 17, 2008

Present: Chairman John (Jack) Karcz, Members Bill Knee, Tina Sturdivant, Pat deBeer.

Chrm. Karcz opened the meeting at 7:30 pm.

MINUTES

The minutes of the October 20, 2008 meeting were not accepted and will be addressed at the next meeting.

CONSERVATION COMMISSION ZONING ORDINANCE; NH RSA 36-A: 4-a

There was a conversation relative to the change in the provision of RSA 36-A that authorizes Town Conservation Commissions to make contributions from their conservation funds to “qualified organizations” for acquisition of property interests (fee or easement) held by the organizations, and/or transaction costs related to these purchases.

Mbr. Knee made the motion to move forward to put before the voters at the 2009 Town Meeting the following Article that would give the Conservation Commission the ability to support land protection projects by giving money to a qualified organization (such as a land trust) without taking a property interest: *Shall the Town vote to adopt the provisions of RSA 36-A-4-a, I (b) to authorize the Conservation Commission to expend funds for contributions to qualified organizations for the purchase of the property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the Town will retain no interest in the property.* Motion seconded by Mbr. Sturdivant with unanimous favorable vote.

GROUNDWATER WITHDRAWAL

The Conservation Commission discussed the response of the Attorney from the Local Government Center, New Hampshire, regarding the questions we asked about establishing a Water Rights Ordinance in Fremont to ban large groundwater withdrawals. A copy of the response was distributed to each member present. A legislative Commission has been established to study the role of municipalities and on the criteria for large withdrawals due on or before November 30, 2009 (HB 1353 Chapter 176.2 305.5) <http://www.gencourt.state.nh.us/legislation/2008/hb1353.html>.

Fremont Conservation Commission

11-03-08 Minutes

Mbr. Knee suggested that a copy of the LGC response be sent to Fremont Town Counsel. Mbr. deBeer suggested that the Conservation Commission draft a letter to the legislative Commission studying the issues to express their view, as was suggested by the attorney in the LGC letter.

Highlights of the discussion included RSA 481:1 in which the legislature has declared a public trust in the waters of the state, both surface water and groundwater. The Supreme Court in RE: Nottingham 153 N.J. 539(2006) “held that RSA 485 C, the Groundwater Protection Act, provided the only criteria that DES was obliged to apply in considering an application for a large, groundwater withdrawal permit. In response to that decision, the legislature amended RSA 485-C: 3 by adding subsection VI to make it a duty of the DES to manage and preserve the state’s groundwater on behalf of the citizens of the state in considering private use of groundwater.”

“In the 2008 session of the legislature House Bill 1353 was introduced to grant additional local authority over large groundwater withdrawals, but it was amended and passed as Chapter 176 to make the role of municipalities a topic for a report by the Commission to Study Issues Relative to Groundwater Withdrawals, with a report due November 30, 2009“.

<http://www.gencourt.state.nh.us/legislation/2008/hb1353.html>

ERLAC

Mbr. Sturdivant reported that the October 28, 2008 ERLAC Meeting included the following topics:

1. Exeter River Dam: There is a feasibility study planned to determine effects, up and down stream, of removing the dam entirely. The Town and DPW are hesitant to remove dam due to water quantity and historical significance issues. DES plans to meet with the Town to discuss water quantity issue in near future.
2. Grant: ERLAC has received a grant to publish a “State of the River” flier again this year.
3. Potential Brownfields project: The National Park Service is a grant potential for a Fremont Property that was selected by the Rockingham Planning Commission as a Brownfield’s candidate. NH DES has approved and completed the assessment of the property (Phase I), and the results will go to NH EPA for review. RPC is awaiting approval or denial before proceeding with the actual water and soil testing to determine contamination (Phase II). The project has the full cooperation of the landowner and a positive response from the ERLAC members present concerning project and potential for river access. Mbr. Sturdivant reminded the Board that the Town is unable to fund the purchase of the property using the bond money.
3. The Fly fishing Workshop held on October 25, 2008 in Exeter was very successful. 20 kids 10-14 yrs old were taught to fly fish by Trout Unlimited, assisted by Patrick Seekamp. Sally Soule presented a talk about identifying the types of insect larva and other macroinvertebrates found in the Exeter River and the importance of macroinvertebrates to understanding water quality.
4. Bear Creek Water Shed Restoration Plan: ERLAC is continuing to work on a study relative to the restoration plan. There will be a daytime meeting in December to discuss the plan and another meeting in January 2009 at Rockingham County Nursing Home Hilton Auditorium, open to all planning boards and interested parties to go over plan.

Fremont Conservation Commission

11-03-08 Minutes

5. Events in the works for 2009 include:
 - a. Landscaping using native plants, discussing invasives.
 - b. Vernal Pool Workshop.
 - c. River Clean up
 - d. Fly fishing workshop

Signs

Mbr. Sturdivant said that the protected river sign at the rail trail will be in place soon. She said that she had a date scheduled with Road Agent Holmes and he had a job come up so she is going to try and contact him to see if she can get the post and screws to put it up with her husband or Chrm. Karcz, who offered to help.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mbr. Knee made the motion to adjourn at 8:50 pm.
Motion seconded by Mbr. Sturdivant with unanimous favorable vote.

These minutes were prepared as a result of draft outlines submitted by Chrm. Karcz and Mbrs. deBeer and Sturdivant. The recording Secretary was not present at the meeting.

Respectfully submitted,

Meredith Bolduc
Recording Secretary